

**AN ORDINANCE****BY: Councilman Jim Maddox****AN ORDINANCE TO AMEND THE CITY OF ATLANTA ZONING CODE; TO AMEND THE CITY OF ATLANTA ZONING MAPS; TO ENACT, BY REFERENCE AND INCORPORATION, A MAP ESTABLISHING THE BOUNDARIES FOR THE REGENCY SUBDIVISION; TO MODIFY THE ZONING PROCESS FOR ANNEXATIONS; AND FOR OTHER PURPOSES.**

WHEREAS, owners of real property and resident electors in the have applied to the City of Atlanta for annexation of certain property located within the Regency Subdivision (Property), as more fully described in exhibit "A" attached hereto; and

WHEREAS, Zoning Procedures Law requires a municipality to complete the zoning process for Property to be annexed into the City with the exception of the final vote before the annexation of the Property; and

WHEREAS, the Property is currently zoned CUP in Fulton County; and

WHEREAS, the City of Atlanta wishes to zone the property PD-H with the same conditions adopted by Fulton County to minimize any potential impact on surrounding properties.

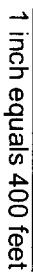
THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the property located within the Regency Subdivision, as shown on the attached Exhibit "A", be zoned to the Planned Development Housing, (PD-H) category with the same conditions as adopted by Fulton County and attached hereto as Exhibit "B".

Section 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffix "C" after the district designation in section 1 above, the Director, Bureau of Buildings, shall issue a building permit only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District Regulation variances can be approved only by the Board of Zoning Adjustment.

- Section 3.** That the official zoning maps of the City of Atlanta be changed to conform with the terms of this Ordinance.
- Section 4.** That the Director of the Bureau of Planning schedule a hearing before the Zoning Review Board at the next available meeting in accordance with State Law.
- Section 5.** All ordinances or parts of ordinances in conflict with the terms of this Ordinance are hereby waived to the extent of the conflict.

Exhibit "A"



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**RECOMMENDED CONDITIONS**

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If this petition is approved by the Board of Commissioners, it should be approved CUP (Community Unit Plan) CONDITIONAL subject to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Single family detached dwellings and accessory uses and structures.
  - b. No more than 92 total dwelling units at a maximum density of 1.31 dwelling units per acre, whichever is less, based on the total acreage zoned.
  - c. The minimum lot size shall be 18,000 square feet.
  - d. The minimum heated floor area per dwelling unit shall be 2,500 square feet.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Environment and Community Development on January 28, 2000. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to the following side development considerations:
  - a. The minimum design standards are:

Minimum lot frontage:	35 feet
Minimum front yard:	35 feet
Minimum side yard (interior):	10 feet
Minimum side yard (corner):	20 feet
Rear yard (interior):	35 feet
Rear yard (exterior):	40 feet
Minimum Lot Width:	95 feet
  - b. No more than 1 exit/entrance on County Line Road. Curb cut location and alignment are subject to the approval of the Fulton County Traffic Engineer.
  - c. No individual lot shall be allowed from County Line Road.

4. To the owner's agreement to abide by the following requirements, dedication and improvements:
  - a. Dedicate at no cost to Fulton County along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

30 feet from centerline of County Line Road.
  - b. Improve the roadway along the entire property frontage with curb and gutter per Fulton County standards or as may be approved by the Fulton County Traffic Engineer.
  - c. Provide a deceleration lane for each project entrance or as may be required by the Fulton County Traffic Engineer.
  - d. Provide a left turn lane for each project entrance or as may be required by the Fulton County Traffic Engineer.
  - e. Inter- parcel access must be provided to adjacent properties as approved by the Fulton County Traffic Engineer.
5. To the owner's agreement to abide by the following:
  - a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit with the Department of Environment and Community Development, to meet with the Fulton County Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
  - b. Prior to the application for a Land Disturbance Permit with the Department of Environment and Community Development, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Fulton County Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
  - c. To contact the Public Works Department, Water Service Division, prior to the application for a Land Disturbance Permit (LDP) with the Department of Environment and Community Development, to meet with the Fulton County Drainage Engineer on-site.
  - d. The engineer/developer is required to submit along with the application for a Land Disturbance Permit (LDP) signed documentation verifying the storm water concept plan approval.

- e. Provide at the LDP approval documentation (such as cross-section, profile, etc.) describing all existing natural streams, creeks, or draws geometry, within the proposed development boundary and provide the appropriate bank erosion protection for the conveyance system after development.
- f. The developer/engineer is responsible to demonstrate to the County by engineering analysis at the Land Disturbance Permit application that the proposed development surface water runoff conditions are controlled at the minimum predevelopment level, so that downstream conveyance systems may not be impacted, aggravate existing flooding or drainage problems nor creates new flooding or drainage problems off-site.
- g. Prior to the application for a Land Disturbance Permit, the developer/engineer shall submit to the Department of Public Works, Surface Water Section, a project Storm Water Concept Plan. This concept plan shall be preliminary drawing describing (but not limited to) the proposed location of project surface water quality and quantity facilities/Best Management Practices (BMP=s); the existing downstream off-site drainage conveyance system that the proposed development runoff will impact; the discharge path(s) from facilities/BMP=s outlet through the downstream drainage system offsite to the appropriate receiving conveyance system downstream and any potential surface water implications.
- h. The developer/engineer is responsible to conceptually describe to the County at the storm water concept plan approval phase post development structural Best Management Practices (BMP=s) to be utilized to reduce surface water pollution impact associated with the proposed development. The detail engineering analysis and specifications of BMPs shall be included as a part of the LDP storm water submittal.